

1 Gerald Armstrong
2 715 Sir Francis Drake Boulevard
3 San Anselmo, CA 94960
4 (415)456-8450
5 In Propria Persona

6 UNITED STATES BANKRUPTCY COURT
7
8 NORTHERN DISTRICT OF CALIFORNIA

| | | | |
|----|----------------------------------|---|-------------------------|
| 8 | In re |) | Case No. 95-10911 aj |
| 9 | |) | |
| 10 | GERALD ARMSTRONG, |) | Chapter 7 |
| 11 | Debtor |) | |
| 12 | |) | Adv. No. 95-1164 |
| 13 | CHURCH OF SCIENTOLOGY |) | GERALD ARMSTRONG'S |
| 14 | INTERNATIONAL, a California non- |) | AND THE GERALD |
| 15 | profit religious corporation, |) | ARMSTRONG CORPORATION'S |
| 16 | Plaintiff, |) | OBJECTION TO SUBPOENA |
| 17 | |) | DUCES TECUM TO THE |
| 18 | v. |) | GERALD ARMSTRONG |
| 19 | GERALD ARMSTRONG, |) | CORPORATION |
| 20 | Defendant. |) | |

21 TO PLAINTIFF CHURCH OF SCIENTOLOGY INTERNATIONAL AND ITS ATTORNEYS
22 OF RECORD:

23 GERALD ARMSTRONG and THE GERALD ARMSTRONG CORPORATION, hereby
24 object to plaintiff's subpoena duces tecum to The Gerald Armstrong
25 Corporation as follows:

26 1. Plaintiff's subpoena duces tecum was mailed to defendant
27 after the close of discovery in this case.

28 2. Plaintiff's subpoena duces tecum is in violation of the
laws of California and the United States which state that no one
may take advantage of his own wrong.

1 3. Plaintiff has unclean hands and the doors of the Court
2 should be shut against it in limine.

3 4. The documents demanded are irrelevant to the subject
4 matter of this litigation and not calculated to lead to the
5 discovery of admissible evidence.

6 5. Plaintiff's subpoena duces tecum is insulting,,
7 overbroad, burdensome and oppressive, because it is intended
8 solely to harass defendant, served woefully late in this
9 litigation to obtain an unfair advantage over defendant, and
10 because it seeks information equally available to plaintiff.

11 6. Plaintiff's subpoena duces tecum intrudes into the
12 constitutionally protected right of privacy.

13 7. Plaintiff's subpoena duces tecum intrudes into the
14 constitutionally protected right of privacy of third parties.

15 8. Plaintiff's subpoena duces tecum seeks to illegally
16 obtain defendant's trade secrets.

17 9. Plaintiff's subpoena duces tecum seeks documents
18 protected by the attorney-client privilege.

19 10. Plaintiff's subpoena duces tecum seeks documents
20 protected by the attorney work-product privilege.

21 11. Plaintiff seeks documents pursuant to its judicially
22 condemned fair game doctrine and not for legitimate discovery
23 purposes.

24 12. Plaintiff's subpoena duces tecum seeks to lure defendant
25 into violations of the "settlement agreement" plaintiff is
26 enforcing in another action, Scientology v. Gerald Armstrong,
27 Marin Superior Court No. 157680 ("state case").

28 13. Plaintiff's subpoena duces tecum seeks to illegally
force defendant to relinquish the benefit he received from such

1 "settlement agreement."

2 14. Plaintiff has refused despite reasonable request to make
3 reasonable arrangements for the handling and copying of the
4 demanded documents.

5 15. Plaintiff has refused to make any documents produced
6 subject to a protective order.

7 16. Plaintiff is already in violation of a protective order
8 made in the state case regarding The Gerald Armstrong
9 Corporation's and Gerald Armstrong's documents, and cannot be
10 trusted with any party's documents even if subject to a protective
11 order.

12 17. Regarding demand 1 of Exhibit A to plaintiff's subpoena
13 duces tecum, defendant and The Gerald Armstrong Corporation repeat
14 objections 1 through 16 above and object moreover and specifically
15 because plaintiff already possesses such documents.

16 18. Regarding demand 2 of Exhibit A to plaintiff's subpoena
17 duces tecum, defendant and The Gerald Armstrong Corporation repeat
18 objections 1 through 16 above and object moreover and specifically
19 because plaintiff already possesses such documents.

20 19. Regarding demand 3 of Exhibit A to plaintiff's subpoena
21 duces tecum, defendant and The Gerald Armstrong Corporation repeat
22 objections 1 through 16 above and object moreover and specifically
23 because plaintiff already possesses such documents.

24 20. Regarding demand 4 of Exhibit A to plaintiff's subpoena
25 duces tecum, defendant and The Gerald Armstrong Corporation repeat
26 objections 1 through 16 above and object moreover and specifically
27 because plaintiff already possesses such documents.

28 21. Regarding demand 5 of Exhibit A to plaintiff's subpoena
duces tecum, defendant and The Gerald Armstrong Corporation repeat

1 objections 1 through 16 above and object moreover and specifically
2 because plaintiff already possesses such documents.

3 22. Regarding demand 6 of Exhibit A to plaintiff's subpoena
4 duces tecum, defendant and The Gerald Armstrong Corporation repeat
5 objections 1 through 16 above and object moreover and specifically
6 because The Gerald Armstrong Corporation does not possess any such
7 documents.

8 23. Regarding demand 7 of Exhibit A to plaintiff's subpoena
9 duces tecum, defendant and The Gerald Armstrong Corporation repeat
10 objections 1 through 16 above and object moreover and specifically
11 because plaintiff already possesses such documents.

12 24. Regarding demand 8 of Exhibit A to plaintiff's subpoena
13 duces tecum, defendant and The Gerald Armstrong Corporation repeat
14 objections 1 through 16 above and object moreover and specifically
15 because plaintiff already possesses such documents.

16 25. Regarding demand 9 of Exhibit A to plaintiff's subpoena
17 duces tecum, defendant and The Gerald Armstrong Corporation repeat
18 objections 1 through 16 above and object moreover and specifically
19 because The Gerald Armstrong Corporation does not possess any such
20 documents.

21 26. Regarding demand 10 of Exhibit A to plaintiff's subpoena
22 duces tecum, defendant and The Gerald Armstrong Corporation repeat
23 objections 1 through 16 above and object moreover and specifically
24 because The Gerald Armstrong Corporation does not possess any such
25 documents.

26 27. Regarding demand 11 of Exhibit A to plaintiff's subpoena
27 duces tecum, defendant and The Gerald Armstrong Corporation repeat
28 objections 1 through 16 above and object moreover and specifically
because The Gerald Armstrong Corporation does not possess any such

1 documents.

2 28. Regarding demand 12 of Exhibit A to plaintiff's subpoena
3 duces tecum, defendant and The Gerald Armstrong Corporation repeat
4 objections 1 through 16 above and object moreover and specifically
5 because The Gerald Armstrong Corporation does not possess any such
6 documents.

7 29. Regarding demand 13 of Exhibit A to plaintiff's subpoena
8 duces tecum, defendant and The Gerald Armstrong Corporation repeat
9 objections 1 through 16 above and object moreover and specifically
10 because plaintiff already possesses such documents.

11 30. Regarding demand 14 of Exhibit A to plaintiff's subpoena
12 duces tecum, defendant and The Gerald Armstrong Corporation repeat
13 objections 1 through 16 above and object moreover and specifically
14 because plaintiff already possesses such documents.

15 31. Regarding demand 15 of Exhibit A to plaintiff's subpoena
16 duces tecum, defendant and The Gerald Armstrong Corporation repeat
17 objections 1 through 16 above and object moreover and specifically
18 because plaintiff already possesses such documents.

19 32. Regarding demand 16 of Exhibit A to plaintiff's subpoena
20 duces tecum, defendant and The Gerald Armstrong Corporation repeat
21 objections 1 through 16 above and object moreover and specifically
22 because The Gerald Armstrong Corporation does not possess any such
23 documents.

24 33. Regarding demand 17 of Exhibit A to plaintiff's subpoena
25 duces tecum, defendant and The Gerald Armstrong Corporation repeat
26 objections 1 through 16 above.

27 34. Regarding demand 18 of Exhibit A to plaintiff's subpoena
28 duces tecum, defendant and The Gerald Armstrong Corporation repeat
objections 1 through 16 above and object moreover and specifically

1 because The Gerald Armstrong Corporation does not possess any such
2 documents.

3 35. Regarding demand 19 of Exhibit A to plaintiff's subpoena
4 duces tecum, defendant and The Gerald Armstrong Corporation repeat
5 objections 1 through 16 above and object moreover and specifically
6 because plaintiff already possesses such documents.

7 36. Regarding demand 20 of Exhibit A to plaintiff's subpoena
8 duces tecum, defendant and The Gerald Armstrong Corporation repeat
9 objections 1 through 16 above and object moreover and specifically
10 because The Gerald Armstrong Corporation does not possess any such
11 documents.

12 37. Regarding demand 21 of Exhibit A to plaintiff's subpoena
13 duces tecum, defendant and The Gerald Armstrong Corporation repeat
14 objections 1 through 16 above and object moreover and specifically
15 because plaintiff already possesses such documents.

16 38. Regarding demand 22 of Exhibit A to plaintiff's subpoena
17 duces tecum, defendant and The Gerald Armstrong Corporation repeat
18 objections 1 through 16 above and object moreover and specifically
19 because plaintiff already possesses such documents.

20 39. Regarding demand 23 of Exhibit A to plaintiff's subpoena
21 duces tecum, defendant and The Gerald Armstrong Corporation repeat
22 objections 1 through 16 above and object moreover and specifically
23 because plaintiff already possesses such documents.

24 40. Regarding demand 24 of Exhibit A to plaintiff's subpoena
25 duces tecum, defendant and The Gerald Armstrong Corporation repeat
26 objections 1 through 16 above and object moreover and specifically
27 because such demand is unintelligible and because plaintiff
28 already possesses such documents whatever plaintiff's demand
means.

1 41. Regarding demand 25 of Exhibit A to plaintiff's subpoena
2 duces tecum, defendant and The Gerald Armstrong Corporation repeat
3 objections 1 through 16 above and object moreover and specifically
4 because plaintiff already possesses such documents.

5 42. Regarding demand 26 of Exhibit A to plaintiff's subpoena
6 duces tecum, defendant and The Gerald Armstrong Corporation repeat
7 objections 1 through 16 above and object moreover and specifically
8 because plaintiff already possesses such documents.

9 43. Regarding demand 27 of Exhibit A to plaintiff's subpoena
10 duces tecum, defendant and The Gerald Armstrong Corporation repeat
11 objections 1 through 16 above.

12 44. Regarding demand 28 of Exhibit A to plaintiff's subpoena
13 duces tecum, defendant and The Gerald Armstrong Corporation repeat
14 objections 1 through 16 above.

15 45. Regarding demand 29 of Exhibit A to plaintiff's subpoena
16 duces tecum, defendant and The Gerald Armstrong Corporation repeat
17 objections 1 through 16 above and object moreover and specifically
18 because The Gerald Armstrong Corporation does not possess any such
19 documents.

20 46. Regarding demand 30 of Exhibit A to plaintiff's subpoena
21 duces tecum, defendant and The Gerald Armstrong Corporation repeat
22 objections 1 through 16 above.

23 47. Regarding demand 31 of Exhibit A to plaintiff's subpoena
24 duces tecum, defendant and The Gerald Armstrong Corporation repeat
25 objections 1 through 16 above.

26 48. Regarding demand 32 of Exhibit A to plaintiff's subpoena
27 duces tecum, defendant and The Gerald Armstrong Corporation repeat
28 objections 1 through 16 above and object moreover and specifically
because The Gerald Armstrong Corporation does not possess any such

documents.

49. Regarding demand 33 of Exhibit A to plaintiff's subpoena duces tecum, defendant and The Gerald Armstrong Corporation repeat objections 1 through 16 above.

50. Regarding demand 34 of Exhibit A to plaintiff's subpoena duces tecum, defendant and The Gerald Armstrong Corporation repeat objections 1 through 16 above and object moreover and specifically because plaintiff already possesses such documents.

51. Regarding demand 35 of Exhibit A to plaintiff's subpoena duces tecum, defendant and The Gerald Armstrong Corporation repeat objections 1 through 16 above.

52. Regarding demand 36 of Exhibit A to plaintiff's subpoena duces tecum, defendant and The Gerald Armstrong Corporation repeat objections 1 through 16 above and object moreover and specifically because such demand is unintelligible and because plaintiff already possesses such documents whatever plaintiff's demand means.

DATED: January 29, 1996



GERALD ARMSTRONG

1
2
3 PROOF OF SERVICE

4 I am employed in the County of Marin, State of California. I
5 am over the age of eighteen years and am not a party to the above
6 entitled action. My business address is 715 Sir Francis Drake
7 Boulevard, San Anselmo, California. I served the following
8 documents:

9 **GERALD ARMSTRONG'S AND THE GERALD ARMSTRONG**
10 **CORPORATION'S OBJECTION TO SUBPOENA DUCES TECUM TO THE**
11 **GERALD ARMSTRONG CORPORATION**

12 on the following person(s) on the date set forth below, by
13 delivering a true copy thereof enclosed in a sealed envelope to
14 the addressee below:

15 Laurie J. Bartilson, Esquire
16 Moxon & Bartilson
17 6255 Sunset Boulevard
18 Suite 2000
19 Los Angeles, CA 90028

20 [x] (By Mail) I caused such envelope with postage thereon
21 fully prepaid to be placed in the United
22 States Mail at San Anselmo, California.
23 [] (Personal) I caused said papers to be personally served
24 on the office of counsel.
25 [x] (State) I declare under penalty of perjury under the
26 laws of the State of California that the above
27 is true and correct.

28 DATED: January 29, 1995

Lou En Phispeny
